

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

FILED
12-11-13
CLERK, U. S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE, FLORIDA

UNITED STATES OF AMERICA

v.

HAROLD B. WALBEY, III

CASE NO. 3:13-cr-218-J-99TJC-PDB
Ct. 1: 18 U.S.C. §§ 1343 & 2
Ct. 2: 18 U.S.C. §§
1028A & 2
Cts. 3-9: 18 U.S.C. §§ 1028(a)(7),
(b)(2) & 2
Forfeiture: 18 U.S.C. § 981(a)(1)(C)
& 28 U.S.C. § 2461(c)
18 U.S.C. § 982(a)(2)(B)
& 18 U.S.C. § 1028(b)(5)

INDICTMENT

The Grand Jury charges:

COUNT ONE

(WIRE FRAUD)

A. Introduction

At times material hereto:

1. HAROLD B. WALBEY, III, was a resident of Jacksonville, Florida and was employed as a Corrections Officer with the Jacksonville Sheriff's Office, working at the John E. Goode Pre-Trial Detention Facility (Pre-Trial Detention Facility).

B. Scheme and Artifice

From at least in or about 2010 and continuing thereafter through in or about May 27, 2012, in Jacksonville, Florida, in the Middle District of Florida, and elsewhere,

HAROLD B. WALBEY, III,

the defendant herein, did knowingly and willfully devise and participate in, and intend to devise and participate in, a scheme and artifice to defraud and to obtain money and property by means of materially false and fraudulent pretenses, representations, and promises.

C. Manner and Means

1. It was part of the scheme and artifice to defraud that HAROLD B. WALBEY, III, would and did abuse his position of trust as a sworn corrections officer to access the records of inmates detained at the Pre-Trial Detention Facility.

2. It was further part of the scheme and artifice to defraud that HAROLD B. WALBEY, III, would and did steal the inmates' personal identifying information, including their names, dates of birth, and social security numbers, without their knowledge or permission.

3. It was further part of the scheme and artifice to defraud that HAROLD B. WALBEY, III, would and did maintain a ledger containing the inmates' personal identifying information.

4. It was further part of the scheme and artifice to defraud that HAROLD B. WALBEY, III, would and did use, or cause to be used, the inmates' personal identifying information to file and cause the filing of fraudulent federal income tax returns.

5. It was further part of the scheme and artifice to defraud that HAROLD B. WALBEY, III, would and did electronically file, or cause to be electronically filed, the fraudulent federal income tax returns from Jacksonville, Florida to the IRS Service Center in Philadelphia, Pennsylvania.

6. It was further part of the scheme and artifice to defraud that HAROLD B. WALBEY, III, would and did use, or cause to be used, the internet to open prepaid debit card accounts with financial institutions using the inmates' stolen personal identifying information.

7. It was further part of the scheme and artifice to defraud that HAROLD B. WALBEY, III, caused the Internal Revenue Service to transmit by electronic funds transfer the fraudulent refunds onto the fraudulent debit card accounts.

8. It was further part of the scheme and artifice to defraud that HAROLD B. WALBEY, III, would and did withdraw and cause the withdrawal of the fraudulently obtained federal income tax refunds from the fraudulently obtained debit card accounts.

D. Execution

9. On or about February 17, 2012, in Duval County, Florida, in the Middle District of Florida and elsewhere,

HAROLD B. WALBEY, III,

the defendant herein, for the purpose of executing the scheme described above, caused to be transmitted by means of wire communication in interstate commerce an electronically filed federal income tax return in the name of K.D. from Jacksonville, Florida to the IRS Service Center in Philadelphia, Pennsylvania.

In violation of Title 18, United States Code, Sections 1343 and 2.

COUNT TWO

(Aggravated Identity Theft)

On or about February 17, 2012, in Duval County, Florida, in the Middle District of the Florida,

HAROLD B. WALBEY, III,

the defendant herein, did knowingly transfer, possess and use without lawful authority, a means of identification of another person, during and in relation to the felony offense of wire fraud, in violation of Title 18, United States Code, Section 1343, that is, the name K.D. and social security number of K.D. to electronically file a federal income tax return for the 2011 tax year.

In violation of Title 18, United States Code, Sections 1028A and 2.

COUNTS THREE THROUGH NINE

(Identity Theft)

The allegations contained in Sections A, B and C of Count One of this Indictment are hereby realleged and incorporated by reference as though fully set forth.

On or about the dates listed below, in Duval County, Florida, in the Middle District of Florida, and elsewhere,

HAROLD B. WALBEY, III,

the defendant herein, did knowingly transfer, possess and use, in or affecting interstate commerce, without lawful authority, a means of identification of another person, to wit, the name and social security number of said persons listed below, with the intent to commit, or to aid or abet, or in connection with, any unlawful activity that constitutes a violation of Federal Law, to wit, wire fraud in violation of Title 18, United States Code, Section 1343:

Count	Name	Date of Filing	Description	IRS Service Center
THREE	J.B.	January 30, 2012	Use of the victim's name and Social Security Number to file federal income tax return for 2011 tax year	Philadelphia, PA
FOUR	D.J.	January 24, 2012	Use of the victim's name and Social Security Number to file federal income tax return for 2011 tax year	Philadelphia, PA
FIVE	G.W.	February 1, 2011	Use of the victim's name and Social Security Number to file federal income tax return for 2010 tax year	Philadelphia, PA
SIX	R.S.	January 24, 2012	Use of the victim's name and Social Security Number to file federal income tax return for 2011 tax year	Philadelphia, PA
SEVEN	T.L.	March 17, 2011	Use of the victim's name and Social Security Number to file federal income tax return for 2010 tax year	Philadelphia, PA
EIGHT	A.L.	February 2, 2011	Use of the victim's name and Social Security Number to file federal income tax return for 2010 tax year	Philadelphia, PA
NINE	J.M.	January 30, 2012	Use of the victim's name and Social Security Number to file federal income tax return for 2011 tax year	Philadelphia, PA

In violation of Title 18, United States Code, Sections 1028(a)(7), (b)(2) and 2.

FORFEITURE

1. The allegations contained in Counts One and Counts Three through Nine of this Indictment are incorporated by reference for the purpose of alleging forfeitures pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c); and Title 18, United States Code, Sections 982(a)(2)(B) and 1028(b)(5).

2. The defendant, HAROLD B. WALBEY, III, upon conviction of a violation of Title 18, United States Code, Section 1343, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.

3. The defendant, HAROLD B. WALBEY, III, upon conviction of a violation of Title 18, United States Code, Section 1028, shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 982(a)(2)(B), any property constituting, or derived from, proceeds obtained, directly or indirectly, as a result of such violation(s), and pursuant to Title 18, United States Code, Section 1028(b)(5), any personal property used or intended to be used to commit the offenses.

4. If any of the property described above, as a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty,

the United States of America shall be entitled to forfeiture of substitute property pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), and Title 21, United States Code, Section 853(p), as incorporated by Title 18, United States Code, Sections 982(b)(1) and 1028(g).

A TRUE BILL,


Foreperson

A. LEE BENTLEY, III
Acting United States Attorney

By:



MALISA CHOKSHI
Assistant United States Attorney

By:



JULIE HACKENBERRY
Assistant United States Attorney
Chief, Jacksonville Division

No. 2013-01

UNITED STATES DISTRICT COURT
Middle District of Florida
Jacksonville Division

THE UNITED STATES OF AMERICA

vs.

HAROLD B. WALBEY, III

INDICTMENT

Violations:

Ct. 1: 18 U.S.C. §§ 1343 & 2

Ct. 2: 18 U.S.C. §§ 1028A & 2

Cts. 3-9: 18 U.S.C. §§ 1028(a)(7), (b)(2) & 2

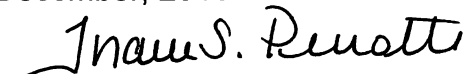
A true bill,



Foreperson

Filed in open court this 11th day

of December, 2013.



Clerk

Bail \$ _____
